

Judge Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAUL VILLASENOR NIETO,

Defendant.

NO. CR06-190 MJP

ORDER CONTINUING
TRIAL DATE AND PRETRIAL
MOTIONS DUE DATE

THIS MATTER comes before the Court on a motion by the United States, joined in by the defendant, to continue the trial date and the pretrial motions due date. Having considered the entirety of the record and files herein, the Court finds that failure to grant a continuance would likely result in a miscarriage of justice. The case is unusual and complex. The defendant is accused of transporting over 11 kilograms of cocaine from the United States into Canada in 2004. He was arrested in Canada. Most of the government's physical evidence is in Canada and all of the government's witnesses are in Canada. The government needs additional time to obtain the physical evidence and to guarantee the appearance of the witnesses. Some discovery was delayed until permission to provide it was received from Canadian law enforcement agencies. The case is also unusual because the defendant was prosecuted in Canada for possession of the cocaine, and served approximately 18 months in Canadian prison. He is a citizen of Mexico, but was residing

1 in the United States at the time of his arrest in Canada. The parties need additional time
2 to conduct plea negotiations which fairly consider the defendant's unique situation.

3 It is unreasonable to expect adequate preparation for trial before the current trial
4 date of August 7, 2006. The Court further finds that the interests of the public and the
5 defendants in a speedy trial in this case are outweighed by the ends of justice.

6 IT IS NOW, THEREFORE, ORDERED that trial in this matter be continued to
7 October 11, 2006, and that the time between the date of this Order and the new trial date
8 be excludable time under the Speedy Trial Act pursuant to Title 18, United States Code,
9 Sections 3161(h)(8)(A), 3161(h)(8)(B)(i), and 3161(h)(8)(B)(ii).

10 IT IS FURTHER ORDERED that pre-trial motions shall be filed on or before
11 September 15, 2006.

12 Dated this 25th day of July, 2006.

13
14
15 /S/Marsha J. Pechman
16 UNITED STATES DISTRICT JUDGE

17 Presented by:

18 s/Douglas B. Whalley
19 DOUGLAS B. WHALLEY
20 Assistant United States Attorney
21 United States Attorney's Office
22 601 Union Street, Suite 5100
23 Seattle, WA 98101-3903
24 (206) 553-4882, Fax: (206) 553-4440
25 E-mail: douglas.whalley@usdoj.gov
26 Washington State Bar #4625
27
28